

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LEATHA DEENER-BURKS, Administrator of the Estate of Eric Burks, and in her own right, and on behalf of the Wrongful Death Beneficiaries, Plaintiff	:	
v.	:	CIVIL NO. 1:10-CV-1113
SUKHWINDER SINGH, and SUKHCHAN SINGH, individually, and d/b/a PVR Transport, Defendants	:	

M E M O R A N D U M

On December 19, 2012, the court conducted a non-jury assessment of damages trial. The Plaintiff's decedent, Eric Burks, was seriously injured on November 13, 2009, and died a month later on December 12, 2009. He was a passenger in a tractor-trailer, driven by Eric Claxton, that was involved in an accident with another tractor-trailer, driven by Sukhwinder Singh. Mr. Burks suffered severe burn injuries in the fire that resulted from the accident, which was caused by the negligent driving of Defendant Sukhwinder Singh. His negligence is imputed to his employer, Sukhchan Singh, d/b/a PVR Transport.

Mr. Burks, who died at age 44, supported a wife and two children. He was extensively burned over 77% of his body. He lived just one month, experiencing mental anguish and tremendous pain and suffering during that time in the burn unit of the Lehigh Valley Hospital. His medical expenses exceeded \$1.3 million dollars. His funeral expenses were over \$9,000.00. In 2009 he earned over \$58,000.00, and

based on his earning record would have continued to have earned income in the future.

Mr. Sukhchan Singh, the employer, is liable on the basis of respondeat superior, but was also grossly negligent in failing to maintain his vehicle in compliance with state and federal law, particularly with regard to having required safety inspections and correcting defects in its braking equipment. He was also grossly negligent in entrusting his vehicle to Sukhwinder Singh, an inexperienced truck driver who had failed written tests three times and driving tests two times. Singh was not made familiar with communication equipment in the truck, which might have helped in avoiding the accident, and in summoning help following the collision.

Considering the exhibits introduced at trial, and the presentation of Plaintiff's counsel, we conclude that compensatory damages are payable by both defendants, and that Sukhchan Singh is liable for punitive damages.

We will issue an appropriate verdict.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge

Date: January 3, 2013

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LEATHA DEENER-BURKS, Administrator of the Estate of Eric Burks, and in her own right, and on behalf of the Wrongful Death Beneficiaries, Plaintiff	:	
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VERDICT

AND NOW, January 3, 2013, a verdict is entered in favor of the plaintiff and against both defendants in the sum of \$2,310,000.00, representing compensatory damages. Punitive damages are awarded against Defendant Sukhchan Singh, d/b/a PVR Transport, in the sum of \$100,000.00.

The Clerk is directed to close this file.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge